

DRAFT
INTERIM
MANAGEMENT PLAN
OFF-ROAD VEHICLE USE
CAPE HATTERAS NATIONAL SEASHORE

Cape Hatteras National Seashore
Route 1, Box 675
Manteo, North Carolina
November 1978

SUMMARY
INTERIM MANAGEMENT PLAN FOR OFF-ROAD VEHICLE USE
CAPE HATTERAS NATIONAL SEASHORE
(EXCLUDES PEA ISLAND NATIONAL WILDLIFE REFUGE)

This interim plan establishes guidelines and controls for off-road use of vehicles within Cape Hatteras National Seashore until promulgation and adoption of the General Management Plan now under development.

In response to Executive Orders Number 11644 and 11989 and from workshop and written comments received on the Draft Proposed New Plan for Management of Off-road Recreational Vehicle use in Cape Hatteras National Seashore, the management staff of Cape Hatteras National Seashore has developed this interim plan for use of off-road vehicles within Cape Hatteras National Seashore.

The interim plan establishes zones of use for vehicles and describes conditions whereby vehicles may be allowed or prohibited.

Zone 1 - Ocean Beach: ORVs will be permitted within 150 feet of the existing tideline, but no closer to the toe of the dune or vegetation line than 20 feet. Portions of Zone 1 may be closed seasonally (May 15 through September 15), or closed temporarily to protect nesting birds or sea turtles, or when the distance between the existing tide and the toe of the dune or the vegetation line is reduced to less than 100 feet.

Zone 2 - Soundside: ORV use will be allowed only on designated and marked trails.

Zone 3 -

Zone 4 - Dunes and Sand Plain: ORV use will be permitted only on marked trails.

(1)

(2) A commercial fisherman permit, issued annually to commercial fishermen.

(3) A special vehicle permit - a short term, restricted permit issued to special non-licensable vehicles for limited periods and areas of use. The intent of this special permit is to allow aged, infirm or physically handicapped persons motorized access to the beach.

(4)

The park management intends to make applications for permits as easy as possible. The commercial fisherman permit will be issued upon request with the individual commercial fishing permit now issued to qualified persons. The special vehicle permit must be applied for in person to the District Ranger (or his designee) of the district in which the vehicle is to be used. With the exception of the recreational

ORV permit and the commercial fishermen permit, it is proposed that the provisions of this plan be implemented by April 1, 1979. It is proposed to implement the recreational ORV and commercial fishermen ORV permit January 1, 1980.

The plan also intends certain safety regulations, including a maximum speed of 25 mph (40 kph) for all ORV use.

Deleted: Buxton Woods - Open Pond: Up to a maximum of 30 permits will be granted for ORV use into this area at any one time. Permits will be available from the Hatteras District Ranger or his designee.

Deleted: In all zones, except Zone 2, permits for ORV use will be required. No fee will be required for issuance of any ORV use permit. There will be four types of permits.¶

Deleted: A recreational ORV use permit issued annually to 4-wheel vehicles licensed in their State of origin for use upon state or federal roads.

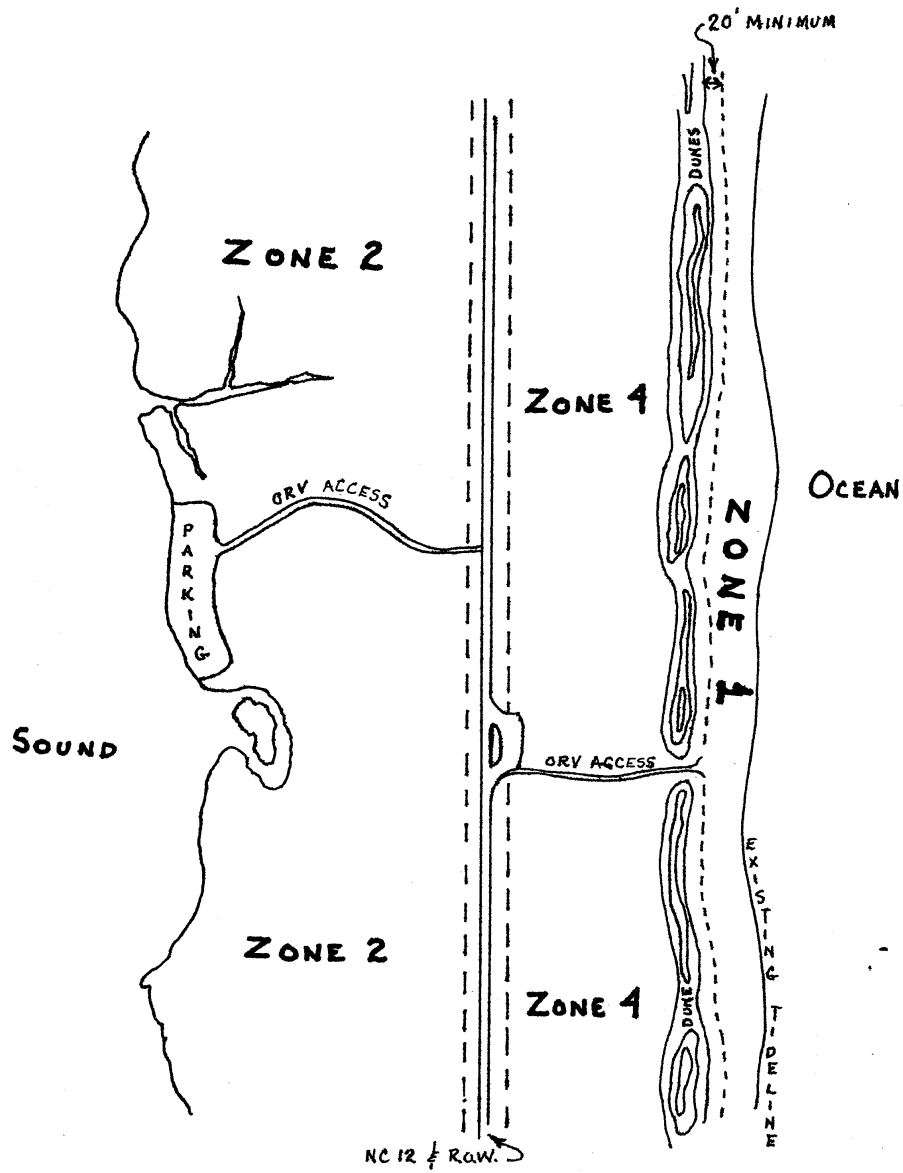
Deleted: Buxton Woods, a one-day permit issued to holders of a recreational or commercial permit on a request basis.

Deleted: Recreational ORV permits will be available by mail, or by applying in person at Headquarters, Pea Island National Wildlife Refuge or at any National Park Service visitor contact facility within the Cape Hatteras National Seashore Group.

Deleted: and the limited access Buxton Woods permit

In the coming months and years, the National Park Service will continue to initiate studies and surveys to obtain ad information on ORV use. The studies will cover, but will not necessarily be limited to documentation of visitor and resident attitudes on ORV use, effect of ORV use on the resource and economic factors associated with ORV use.

TYPICAL ZONES OF USE



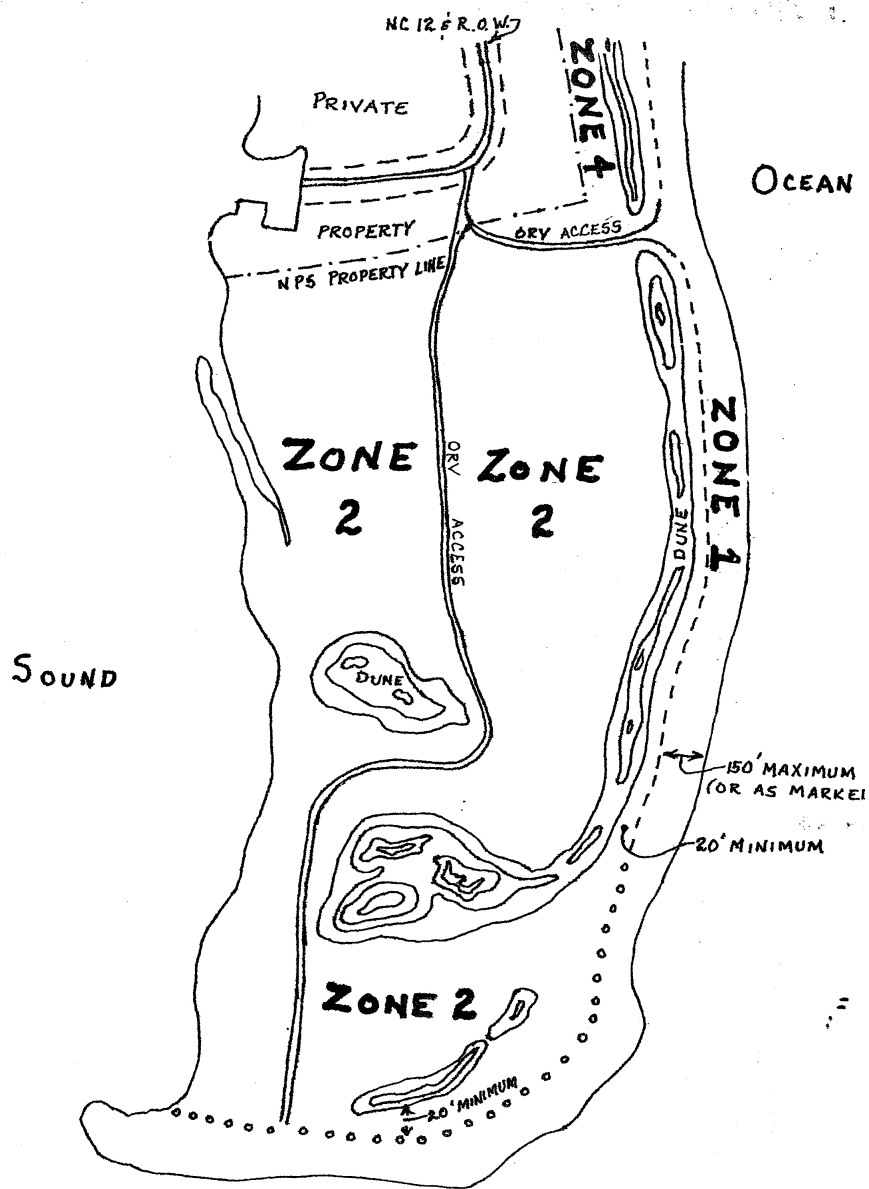


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Introduction

Cape Hatteras National Seashore was created by Congress on August 17, 1937, to preserve for public use and enjoyment the lands and waters that occupy the major portion of the North Carolina barrier islands between Whalebone Junction and Ocracoke Inlet.

The authorizing Act, H. R. 7022 (50 Stat 669) includes a provision that says:

.except for certain portions of the area, deemed to be especially adaptable for recreational uses, particularly swimming, boating, sailing, fishing and other recreational activities of similar nature, which shall be developed for such uses as needed, the said area shall be permanently reserved as a primitive wilderness and no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in this area. .

Although the authorizing Act was later (1940) amended to allow hunting in certain areas of the Seashore, overall management has been consistent with the requirements of the initial legislation and with the mandate of the National Park Service Organic Act of 1916 to “. . conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

Cape Hatteras National Seashore was the first in a series of areas established to preserve significant segments of unspoiled barrier islands along the coasts of the Atlantic Ocean and Gulf of Mexico. It contains more than 30 acres, including almost 6,000 acres in Pea Island National Wildlife Refuge, and stretches 70 miles down coast from Bodie Island south of the Town of Nags Head, including Hatteras and Ocracoke Islands, but excluding eight villages and lands managed by the U.S. Coast Guard.

In the more than two decades since it was established, Cape Hatteras National Seashore has become one of the east's most popular oceanfront recreation areas, attracting some 2 million visits during 1977. It is expected that, barring situations in which recreation travel by motor vehicles would be severely reduced or restricted, visitation figures at Cape Hatteras will continue to reflect increasing annual growth.

Heavy visitation already has created negative resource impacts in areas of visitor concentration such as campgrounds, swimming beaches, historic structures and others.

The waters off the National Seashore are known throughout the world as highly productive fishing areas. Long before the Seashore was created, residents of the isolated barrier islands earned a livelihood from the sea, either as fishermen or as men assigned to attempt to rescue those whose vessels had come to grief in the “Graveyard of the Atlantic. In 1937, the Act creating the Park took note of this dependence on the sea and stipulated that the commercial fishermen of the Outer Banks would forever be permitted to set their haul seines from the beaches of the National Seashore.

The fish that seem to congregate in the waters off the Outer Banks do not school exclusively for the commercial net fishermen, however. They also eagerly attack a baited hook or lure proffered by an individual standing at the edge of the surf, casting rod in hand. It has been said that no form of angling can match the thrill of surf fishing, and it also has been said there is no finer spot to fish in the oceans edge than off the Outer Banks of North Carolina.

That the number of surf fishermen at Cape Hatteras National Seashore has grown dramatically in recent years seems to support those claims. In the spring and fall, when bluefish, spotted sea trout, red drum, and other species churn the water just offshore, surf fishermen line the beaches almost shoulder to shoulder to cast their baits and lures over the incoming breakers and into the schooling fish.

Traditionally, fishermen either walked or rode pony carts from villages such as Buxton, Avon, Salvo, and Ocracoke to the beaches. The islands were isolated, accessible only by boat, and visitation was light. The first motor vehicles had to be ferried to the islands and as recently as the 1950s required no license plates on some islands because no state funds were spent on roads. Fishermen were quick to employ these vehicles as “beach buggies”, but were just as quick to learn that they were highly subject to becoming bogged down in the soft sand unless equipped with oversized and under-inflated tires.

During World War II, millions of Americans-among them surf fishermen from Maine to Florida to Texas, from Washington to California and all areas between were introduced to rugged, 4-wheel drive military vehicles, some of which became available as surplus after the war. At least one civilian version of these vehicles has been marketed since 1946 and in the last 10 years, the number of and market for 4-wheel drive vehicles and other off-road vehicles has proliferated as Americans have become affluent in both leisure time and money.

Paved roads and bridges came to Bodie and Roanoke Islands in the 1930s. It was not until after World War II that the state began to supply regular ferry service to Hatteras and Ocracoke Islands, and not until 1954, the year after Cape Hatteras National Seashore was established, that a paved road was extended the length of the Seashore. Hatteras and Bodie Islands have been joined since late 1963 by the 2.3-mile Herbert C. Bonner Bridge across Hatteras Inlet. Completion of the Bonner Bridge signaled the beginning of significant annual increases in visitation to the National Seashore.

Meanwhile, throughout the nation, the number of 4 wheel drive and other off-road vehicles (ORV) also increased, both in number and in variety of uses. Outdoorsmen found these vehicles could provide them access to areas heretofore either unreachable or difficult to reach. They climbed steep grades, explored rocky canyons, forded swift streams and, not least, easily negotiated the sands of Cape Hatteras National Seashore and other oceanfront areas.

Outer Banks surf fishing alone would have been enough to attract heavy use to the beaches at Cape Hatteras National Seashore. But there were other impacting factors.

With the time and money to afford off-road vehicles also came the time and money to afford second homes. Seasonal populations of Outer Banks towns and villages outside the National Seashore increased greatly. People who had visited the area with friends in off-road vehicles fell in love with the new recreational horizons they glimpsed and returned with their own ORVs. The number of conflicts between man, machine and natural resources inevitably grew as drivers, through ignorance, carelessness, or disregard, attempted to find out what their machines “could do”. How and what they found out has been a cause for concern for at least a quarter of a century. In 1953, the Coastland Times recently reported, the Dare County Board of Commissioners saw a need to alleviate or mitigate problems caused by motor vehicles on the counties ocean beaches.

These problems were not limited to Dare County, however. Deviates from rational use of ORVs were causes for concern throughout the nation. This concern grew until, on February 8, 1972, President Nixon issued Executive Order No. 11644, which had as its purpose:

“...to establish policies and to provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various users of those lands.” The Executive Order went on to instruct the heads of the various Federal land-managing agencies to designate “. . .the specific areas and trails on public lands on which the use of off-road vehicles may be permitted and areas in which the use of off-road vehicles may not be permitted.”

Responding to this Order, management at Cape Hatteras National Seashore, developed a plan that (1) designated 27 ramps or routes for ORV access to the beach, (2) designated the area of permitted travel between the ocean and the toe of the dunes, (3) required vehicles and their drivers to be licensed, and (4) proposed measures intended to minimize conflicts with other beach users and uses. In addition, a heavily eroded section of beach was closed permanently to ORV use, while five areas of concentrated pedestrian use in summer were closed to vehicles between May 26 and September 10.

Still, the amount of ORV use has continued to grow, and now is estimated at 100,000 visits per year with no upper limit in sight. With this Increase in use has come a corresponding increase in the number of reported conflicts and violations. A significant contributing factor has been the restrictions placed on, and in some cases the outright banishing of, off-road vehicles at public beaches along many other parts of the Atlantic coast. This has prompted more and more ORV owners to look toward the Outer Banks in general and Cape Hatteras National Seashore in particular as a place to enjoy their recreational pursuits.

The growing conflicts between users of public lands and the increasing amount of documented resource damage attributed to ORVs once again came to the attention of the White House and on May 24, 1977, President Carter issued Executive Order No. 11989, which amended the previous Executive Order to say that respective agency heads--

“...shall, whenever (they determine) that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as they determine that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.”

The effect of Section 9a of this amendment is to mandate prompt and positive action in the monitoring and review process prescribed by Section 8 of the Order amended.

In response to this Executive Order, management at Cape Hatteras National Seashore on July 25, 1977, solicited, through the news media, public comments on the existing plan for ORV use in the National Seashore, particularly on the effects of this use. Response indicated a variety of concerns, including conflicts with other visitor uses, and damage to the beach, dunes, vegetation and wildlife habitat.

Considering this and other information, and working to carry out the intent of both Executive Orders, the National Seashore staff prepared and in January 1978, released the draft of “A

Proposed New Plan for Management of Off-Road Recreational Vehicle Use in Cape Hatteras National Seashore". Public workshops designed to generate citizen input and comment on the draft proposal were scheduled and held during March 1978, at Ocracoke, Buxton, Nags Head and Elizabeth City, N.C. In response to public request, additional workshops were held at Greensboro and Charlotte, N. C., and at Virginia Beach, VA. Those unable to attend a workshop were given until March 31, 1978 to submit written comments to the Park staff.

More than 1,600 separate comment sheets and/or other forms of information were received. This should not be interpreted as more than 1,600 individual responses, since many attended more than one workshop and submitted similar information at each. It was difficult to convince participants that the sole purpose of the workshops was to obtain ideas, suggestions and information concerning the draft proposal, and not to give them an opportunity to register a positive or negative "vote" on the proposal. This difficulty apparently stems from usual procedure at formal "hearings", with which the public is more accustomed than with the informal workshop process.

In evaluating the response received at the seven workshops and through the mail, the ocean beach area of the National Seashore was, as in the draft proposal, divided into 16 separate segments and comments on each were considered individually. The same process was followed for other sections of the draft proposal, including ramp changes, additional parking for pedestrian beach access, non-beach ORV use, permit requirements for ORV use, type of vehicle for off-road use, equipment carried for off-road use, and speed limits in off-road use. Identical or similar comments were not weighed; each separate thought, idea or suggestion was considered individually on its own merits and on the basis of how well it, either alone or in concert with other actions, would meet the requirements of the National Seashores enabling legislation, the National Park Services Organic Act and Executive Orders Nos. 11644 and 11989.

As a result of that effort, a number of valuable ideas were received and incorporated into this draft. Some comments showed lack of familiarity with the first draft proposal, or with local geography, history, and laws. Some ideas received were unusable because they were illegal or not operationally practicable. The overall alternative plan most widely advocated does not fully respond to the requirements of Section 8(a), Executive Order No. 11644, to monitor effects and review designations as well as Section 9(a), Executive Order No. 11989, which in effect directs prompt action in such review and amendment.

Comments received make it obvious that the principal public objection is to permanent closure of considerable areas formerly designated as open. Nothing in the Executive Order as amended specifically requires permanent closure as such. Rather, monitoring and review of designations are mandated, with amendment of designations for damaged or threatened areas or trails until damage is eliminated and its recurrence forestalled. Beach closures listed in this draft are therefore either seasonal or temporary. Seasonal closures are to promote the safety of all users and to minimize conflicts among the various uses, or to coincide with other seasonal considerations such as wildlife use. Temporary closures are to promote safety and prevent damage on certain beach sections while they are too narrow to drive; or to protect wildlife nesting; or to create non-driven control areas for beach damage research. Implementation of this plan will also clarify permissible off-road use of non-beach areas, and will provide additional protection to Buxton Woods from wildfire and other damage.

Analysis of public comments makes one thing certain--no plan for management of off-road vehicle use here will please all individuals or organizations. Suggestion that conflicts among various uses of the National Seashore can be minimized without allocation of access among the various uses ignores experience. The State of North Carolina Coastal Management Programs Environmental Impact Statement says, "In summary, the coastal management program must address the issue of how to insure adequate access to the public beaches in coastal waters in a manner which is not detrimental to the delicate beach environment and which satisfactorily allocates such access among competing types of uses."

The Department of Interiors Final Environmental Impact Statement on departmental implementation of the Executive Orders says, "It is impossible at this point to predict the ultimate division between lands designated as open and closed to ORVs. Where outdoor recreation is involved, whatever the outcome, certain ORV- users and certain non-ORV users will feel that the opportunities they once enjoyed or to which they feel entitled are diminished." In brief, no plan can please everyone.

However, public involvement discovered one ground for widespread agreement. Both opponents and proponents of the proposed plan in workshops and written comments agreed in strongly advocating more thorough enforcement of existing laws and regulations. This redrafted plan proposes to improve enforcement by several measures. Most important is clarifying the way in which existing general regulations will be applied in this National Seashore. Equally important is showing how regulations, existing and intended, serve to implement existing laws and Executive Orders. To this end, each numbered section of this plan relates directly to the corresponding numbered section of Executive Order No. 11644 as amended by Executive Order No. 11989.

Section 1. Purpose.

It is the purpose of this plan to provide for procedures that will ensure that the use of off-road vehicles within Cape Hatteras National Seashore will be controlled and directed so as to protect the resources of this National Seashore, to promote the safety of all users of this National Seashore, and to minimize conflicts among the various uses of this National Seashore.

Section 2. Definitions.

As used in this plan, the term:

(1) "Cape Hatteras National Seashore" means all lands, whether submerged or fast lands, lying within the perimeter boundaries of Cape Hatteras National Seashore as legally established and legally modified by subsequent boundary adjustments and by subsequent accretion of fast lands;

(2) "the Superintendent" means the Superintendent, Cape Hatteras National Seashore, National Park Service;

(3) "the Refuge Manager" means the Refuge Manager, Pea Island National Wildlife Refuge, U.S. Fish and Wildlife Service;

(4) "off-road vehicle" (hereafter: ORV) means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for

emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use contrary to restrictions proposed in this plan is expressly authorized by the Superintendent or the Refuge Manager under a permit, lease, license, or contract;

(5) "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon stationary rails or tracks;

(6) "motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power, but not operated upon rails, or upon water, except a snowmobile;

(7) "off-road operation" means operation anywhere except on paved or marled surfaces provided for public driving and parking, or on the maintained shoulders thereof;

(8) "official use" means use by an employee, agent, or designated representative, of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

(9) "existing tide" means the location of the lowest wet-mark left by the retreat of waves occurring at the time of vehicle use in Zone 1, and will be determined directly seaward of the site of such vehicle use.

Section 3. Zones of Use

(See Exhibit 6, Maps)

A. Zone 1: The Ocean Beach

1. Beach areas seaward of a line 20 feet (six meters) east or south east of the toe of the dunes or vegetation line or 150 feet (46 meters) west or northwest of the existing tide, whichever is less, or between marked posts and existing tide. Open to ORV use except as limited in this Section. Vehicle access is provided only at signed access routes or ramps.

2. Zone 1(a) Seasonally Closed Areas

a. Those Zone 1 areas which by reason of seasonal heavy pedestrian, swimming, wildlife or other use are deemed seasonally unsuitable for ORV use.

b. Seasonally closed areas shall be identified by signs at both ends of the area, and shall be indicated on maps available for viewing at the offices of the Superintendent and of each District Ranger.

c. Dates of seasonal closure shall be May 15 through September 15 of each year, except that on Pea Island National Wildlife Refuge, the Refuge Manager shall post such closures as he may find necessary to implement the regulations of the U.S. Fish and Wildlife Service.

d. Seasonally closed areas shall consist of but not be limited to the following areas: Bodie Island, milepost 0 to milepost 3; beach areas fronting villages of Rodanthe, Waves, Salvo and Avon; northern boundary of Buxton to one mile south of the Cape Hatteras Lighthouse; beach fronting the villages of Frisco and Hatteras, milepost 49 to milepost 54; and on Ocracoke Island milepost 65 to 70.

3. Zone 1(b) Temporarily closed sections

a. Those narrow beach sections of Zone 1 which have decreased in width to the point where average distance from existing tide to toe of dune or vegetation line is less than 100 feet (30 meters). These sections shall be marked at each end by signs reading "Beach Temporarily Closed to Vehicle Traffic" and shall be indicated on maps available for viewing at the offices of the Superintendent and of each District Ranger.

b. Bird nesting areas - Portions of high beach and inlet flats where significant bird nesting is occurring. These areas shall be temporarily closed to all visitor use and shall be marked by posts and "Bird Nesting Area" signs.

c. Sea Turtle Nests - Locations on the beach where a sea turtle nest is discovered. A rectangular section of beach that includes the nest with 300 feet (92 meters) of tideline seaward of the nest shall be temporarily closed from dune to existing tide, to ORV use. Closures shall be marked at both ends by posting with signs indicating "no ORV's-temporary-turtle nest". Period of closure shall begin on posting, 50 days after the turtle lays, and shall end 25 days later on official removal of the signs. Purpose of closure is protection of hatching loggerhead turtles, listed as "threatened" under the Endangered Species Act.

B. Zone 2, Soundside

1. Marsh and fast land west and northwest of North Carolina State Highway 12.

C. Zone 3, Buxton Woods - Open Ponds

1. That area of grassed dunes and forest lands lying between Headquarters, Cape Hatteras Group Coast Guard, and Frisco Campground. The area is roughly bounded by; on the south, the ocean dunes; on the east, by a northeast-southwest trending line lying west of the Cape Point Campground, Coast Guard Group Headquarters and NPS residence-maintenance area complex; on the north by the National Park Service Boundary through Buxton Woods; and on the west by a south-north trending line lying east of the Frisco Campground.

D. Zone 4 Dunes and Sand Plains

1. All land and dune areas seaward of the right of way of North Carolina Highway 12 except Zone 1 and Zone 3 lands.

Section 4. Operating Conditions

A. General:

1. Unless otherwise posted, the maximum speed on ORV trails shall be 25 mph (40 KPH).

2. Except as provided in this section, any vehicle in off-road operation within the boundaries of Cape Hatteras National Seashore shall have no less than four weight bearing wheels and shall have met all vehicular licensing and inspection requirements of its state of origin.

3.

a. Applications for above special vehicle permits must be made in person to any NPS employee specifically designated by the Superintendent to issue such permits.

Deleted: The Superintendent or his designee may issue temporary limited use permits for off-road operation in Zones 1 and 4 of special vehicles which do not meet the requirements of 2 above. These limited use permits will be good for daylight hours only and will be issued for a maximum period of two weeks, renewable upon re-application.

b. The District Ranger or his designee is hereby designated to issue Special Vehicle Use Permits.

c. Special vehicle use permits may be issued after personal inspection of the vehicle. Such factors as intended use, vehicle construction, visibility, operational noise level and suitability of vehicle for off-road operation shall be considered in the issuance of such permits.

d. All operators of ORVs within the boundaries of Cape Hatteras National Seashore must possess a current driver's permit from their state of origin.

e. Except within confines of Zone 1, no vehicle shall enter any unpaved dirt or sand trail, path, or follow any vehicular tracks not posted as an off-road vehicle trail.

4. Limitations on off-road operation of vehicles proposed in Section 4 of this plan shall not apply to official use.

B. Zone 1. The Ocean Beach

2. No vehicle may enter any portion of Zone 1 when the distance from existing tide to the toe of the dune or vegetation line is less than 60 feet (18 meters), or any area posted or marked as a no vehicular travel area.

Exception: In pursuit of their livelihood commercial fishermen (BIF) may enter those portions of Zone 1 less than 60 feet (18 meters) in width but shall not pass closer than 20 feet (six meters) from base of dune or vegetation line. (Zone 4).

C. Zone 2. Soundside

a. Vehicular travel shall be confined to marked trails, posted as open.

b. No permit shall be required.

*Requires revision of 36 CFR Sec. 7.58(c)(1)(v)

D. Zone 3. Buxton Woods - Open Ponds

E. Zone 4. Dunes and Sand Plains

1. Off-road operation of a vehicle is permitted only on trails posted for off-road vehicle use.

Section 5. Public Information

A. Efforts to inform the public of this plan and the regulations derived from this plan will have threefold emphasis:

1. Pre-Visit Make information available to visitors to the National Seashore before they leave home to assist them in planning their trip.

Deleted: 1. A permit shall be required for off-road operation in Zone 1 of any vehicle meeting the requirements of Section 4 A 2 above.¶

a. Permits shall be issued annually for a calendar year (January 1 through December 31) and shall expire at midnight January 31 of the year following issuance.¶

b. Permits shall be available at any open local National Park Service office or manned visitor use facility; at Refuge Headquarters, Pea Island National Wildlife Refuge; through the U. S. Mail; and pending development of cooperating agreements, may be made available at offices of local governing bodies.¶

c. The permit shall consist of a park issued numbered sticker, which shall be firmly affixed to the left front bumper of the permitted vehicle and vehicle identification card which shall be carried within the vehicle or upon the person of the vehicle operator.¶

d. The permit shall be issued free upon receipt of application containing the following information: make, model, color, and vehicle serial number; and the name and address of the owner of the vehicle.¶

e. In the event of transfer of vehicle ownership, the new owner shall apply to the Superintendent for a new vehicle identification card. Such application shall contain the name and address of the previous owner, the name and address of the new owner and the number of the bumper sticker.¶

f. There shall be two types of permits: i. Recreation - issued to all applicants not classified as commercial fishermen. ii. Commercial - Issued to those residents of the Villages of Corolla, Duck, Kitty Hawk, Kill Devil Hills, Collington, Nags Head, Manteo, Wanchese, Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, Hatteras and Ocracoke (36 CFR 7.58(c)) who earn part or all of their livelihood by the taking of fish or shellfish. [1]

Deleted: a. Limited vehicular access on ORV routes posted as open shall be permitted only upon application in person to the Hatteras District Ranger or his designee.¶

b. Total ORVs in this Zone at any one time shall be no more than 30.¶

c. Limited access permits for vehicular entry shall not exceed 24 hours in duration and shall not be issued more than 7 days in advance.¶

d. Permits are renewable upon request except when vehicular capacity has been reached.

Deleted: A permit as described in Section 4(A3) or in Section 4B1 above is required.¶

TYPES OF PERMITS ¶

¶
TYPE [2]

2 Regional Distribution Information will be made available to (and through) news media, law enforcement agencies and businesses in the travel Industry in the Tidewater-Albemarle-Outer Banks area.

3 On Site Information. Information available on signs, camp ground bulletin boards and at information centers within the National Seashore

B. Free Publications The following publications will be developed for distribution as indicated:

2) off-site on request;

3. Map

a. Contents

1) ramp locations;

2) closed areas;

3) developed areas (ranger stations, visitor centers, fishing piers, village sites, etc.);

4) schematic diagram of beach showing zones of use and closure;

5) accompanying text will indicate seasons, special conditions, regulating signs, etc.;

b. Distribution

1) pre-site packet;

3) excerpts for regional distribution;

4) poster size edition for display on bulletin boards, at ranger stations, etc.;

4. List of recommended equipment

a. Contents will list equipment recommended for use by operators of ORVs while on beach. Will include such items as shovel, tire pump, tire gauge, tow chain, etc. The National Seashore will request assistance of the North Carolina Beach Buggy Association in compiling this list.

b. Distribution

2) pre-visit packet;

5. Driving Tips - North Carolina Beach Buggy Association will be requested to assist in preparing this.

a. Contents

1) information on safe beach driving practices

6. Other publications available on request

a. General Information Folder

Deleted: 1. Off-Road Vehicle Management Plan (the latest edition of this document) Distribution ¶
a. Regional distribution to agencies and media; ¶
b. General public upon request; ¶
2. Off Road Vehicle Regulations ¶
a. Contents: ¶
1) reprint of regulations as published in Federal Register; ¶
b. Distribution ¶
1) permit packet;

Deleted: 2) permit (on-site packet); ¶

Deleted: 1) permit packet; ¶

- b. Cape Hatteras National Seashore Folder
- c. Visible Shipwreck Remains
- d. Private Campgrounds
- e. Fishing Information

Deleted: f. Tide Tables (with permit packet)

C. Public Information Dissemination of information relative to this plan will be made on the following schedule:

- 1. Federal Register Notices of proposed rule making and notice of final rule making would be in accordance with standard requirements for establishment and changes of regulations.
- 2. News Releases To news media representing North Carolina and the Tidewater area. Releases will be made:
 - a. Upon initial development of plan and regulations; b. in the course of periodic (at least annual) review; c. when changes to the plan or the regulations are being proposed.

D. On-Site Information

- 1. Signs will be installed at active ramps to indicate open, or closure, and ramp number (new system).
- 2. Bulletin boards in campgrounds, visitor centers, ranger stations and at concession facilities will provide current information on:
 - a. open and closed areas;
 - b. regulation summary;
 - d. emergency assistance;
- 3. Other

Deleted: c. where to obtain permit;

a. Current information on the plan, regulations, will be made available at manned National Park Service facilities:

Deleted: and permit availability

- 1) Headquarters in Manteo;
- 2) ranger stations and visitor centers at:
 - a) Ocracoke;
 - b) Cape Hatteras Lighthouse in Buxton;
 - c) Pea Island N.W.R. Headquarters on Pea Island;
 - d) Bodie Island Light Station
 - e) Bodie Island Ranger Station at Coquina Beach;
 - f) Fort Raleigh National Historic Site

g) Wright Brothers National Memorial

b. Cooperating local agencies will be asked to assist in making information available, e.g.:

- 1) Dare County Tourist Bureau;
- 2) Outer Banks Chamber of Commerce;
- 3) Dare and Hyde County Sheriffs Offices;
- 4) Village and town police stations;

Section 6. Enforcement

A. The park staff shall make every reasonable attempt to provide full and current visitor information on existing beach regulations and conditions.

B. Maximum efforts will be made to identify, apprehend and take appropriate action on violators of rules and regulations promulgated to implement this plan.

C. The staff shall seek higher collateral fines (presently \$25.00) for non-mandatory appearance citations issued and may require mandatory appearance of violators if circumstances warrant.

Deleted: D. Regulations required to enforce this plan shall contain the proviso that "Upon conviction of violation of any special regulation promulgated to enforce this ORV Management Plan, the Superintendent shall revoke the violators beach driving permit for the remainder of the calendar year in which the violation occurred and refuse issuance of a beach driving permit for the following calendar year. This revocation will apply not only to the violator but to all vehicles owned by the violator.

Section 7. Consultation

The corresponding section of Executive Order No. 11644 says: "Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission". This section is not applicable to this plan. However, a similar situation involving divided responsibilities for use of the same lands occur in this National Seashore. The legislation authorizing establishment of Cape Hatteras National Seashore (see Section 5, Exhibit 1) provides that Pea Island National Wildlife Refuge continue as a Refuge under the U.S. Fish and Wildlife Service for the protection of migratory birds, but that it be a part of the National Seashore, administered by the National Park Service for recreational uses not inconsistent with the purposes of such refuge. A Memorandum of Agreement between the two Services dated July 1965 was implemented by a Public Use Management Plan mutually developed and dated March 1977. Provisions of this mutual plan of 1977 have required frequent consultation by the National Seashore staff with the Refuge Manager, on various aspects of public use management, including development of this Management Plan for off-road vehicle use.

The Regional Solicitor for Interior has determined that under the Enabling Act (50 Stat. 669, Exhibit 1) the regulation of commercial fishing within the Refuge is properly a function. The U.S. Fish and Wildlife Service, as it is not a "recreational" use as provided in Section 5 of that Act. This means that within the Refuge, the National Park Service cannot legally regulate either commercial fishing or ORV use for commercial purposes. By law, sole responsibility for permitting or not permitting these commercial activities falls on the Fish and Wildlife Service. The Fish and Wildlife Service informs us that they intend to authorize no use of any part of the Refuge for Commercial fishing.

Section 8. Monitoring of Effects and Review

To monitor ORV effects and review designations, no program of scientific studies was promptly initiated at Cape Hatteras National Seashore following Executive Order 11644. Rather, early attempts to monitor were largely confined to general observations by the National Seashore staff of locations and amounts of ORV use, observed and reported conflicts with pedestrian beach use, and localized obvious damage to vegetation and dunes. Such observations were often recorded in rangers case incident reports or in special reports. Some reports were illustrated by on-site ground photography.

Meanwhile, at other National Seashores, scientific ORV research was begun. At Cape Cod National Seashore, studies conducted by Dr. Paul Codfrey investigated rates of damage to seashore vegetation and recovery rates therefrom; also damage to inter-tidal invertebrates, such as clams. At Fire Island National Seashore, Christopher Visco in 1976-77 made observations and conducted experiments leading him to conclude that off-road vehicle use there altered beach profiles, destroying the beach berm and moving sand downhill in considerable quantities. He also observed that vehicle tracks could encourage scarp formation, with immediate shoreline erosion losses in the general magnitude of 100,000 cubic feet of sand per mile of driven beach.

Seashore vegetation species and growth conditions at Cape Cod differ from those of Cape Hatteras, as do inter-tidal invertebrates. Orientation to seasonal winds at Fire Island and total wave energy received are undoubtedly different from those at Cape Hatteras. Findings of these distant studies are therefore not automatically applicable here, though some similarities in effects are strongly suggested. Even more strongly suggested is a need for similar studies conducted locally. This need for organized research on ORV effects in various zones of Cape Hatteras National Seashore is beginning to be met. Factors not describable as ORV effects, but highly relevant to ORV management are also being researched or monitored.

In summer, 1977, Pea Island National Wildlife Refuge began a study of effects of ORV use of Refuge beaches on bird use and ghost crab populations. Statistical analysis of counts made indicates a strong inhibiting effect by ORVs on both bird use and ghost crab production. Analysis of observations made in 1977 was reported in summer, 1978. Analysis of 1978 observations is pending, but apparently will support the earlier findings strongly. Data on vehicles entering the Refuge at various ramps was furnished by the North District rangers from their frequent summer monitoring of ramp use.

In September 1978, a contract research project was completed by Dr. Richard Stephenson and James McCluskey of the Geography Department, East Carolina University. Using existing aerial photographs, they compared mileages of ORV and foot trails in this National Seashore for the years 1974 and 1978 in a variety of non-beach habitats. A computation of acreages directly impacted by such trails was made.

National Aeronautics and Space Authority, Wallops Island, Virginia, is cooperating with this National Seashore by loan of photographic equipment, photographic services, and instructions for occasional photography runs by our Park airplane, useful in monitoring various aspects of Seashore management, including ORV use and visible effects.

University of North Carolina Sea Grant has financed a short fall-and- winter 1978 study of ORV effects on beach profile, shoreline retreat, inter-tidal invertebrates, and near-beach vegetation. It is proposed to extend similar studies through 1980. The existing study is being conducted by Dr.

Paul Hosier and Tom Eaton, of UNC-Wilmington. This study will require both driven and undriven portions of beach for comparisons.

Conflicts between ORV use and pedestrian uses are monitored through a separate file of correspondence received on this subject, plus frequent head counts of beach users on various beach segments by National Seashore and Refuge personnel.

A contract research project by Dr. J. D. Wellman and Dr. G. J. Buhyoff, School of Forestry and Wildlife Resources, Virginia Polytechnic Institute and State University, is conducting fieldwork from June 1978, through November 1978. The study intends a statistically valid sample of opinions of visitors and residents regarding matters connected with ORV use of the National Seashore. Some data on site use in the area, expectations of visitors, and visitor local expenditures will also result.

A more thorough study of the contribution to the local economy of ORV use and other visitor use has been proposed by Leon Abbas, Economist- Marine Recreation, Sea Grant Advisory Services, North Carolina State University. The problems of interagency funding of such a study are now being investigated.

Frequent highway counts of ORVs entering the National Seashore at Whalebone Junction have been conducted by rangers of the North District throughout the year past. Summation and analysis of their findings is under way. Rangers of this district also monitored ramp use within the district during summer, 1977.

Monitoring of local changes in drivable beach width at stations located every one-half or quarter mile has been undertaken. Monthly measurements by rangers throughout the National Seashore, partially implemented in the summer of 1978 will be continued. Such measurements will aid in identifying beach segments temporarily too narrow for safe driving at high tide without damage to the dunes or adjacent private lands.

An experiment by rangers of the North District in summer, 1978 compared vehicle fuel consumption for about 500 miles of highway driving with beach driving over the same segments. The results should enable estimates of the impact of local ORV use on fuel consumption.

A 1978 region-wide study of sea turtle nesting was directed by the Research Oceanographer, NPS Coastal Field Research Laboratory, N.S.T.L. Station, Mississippi. National Seashore and Refuge personnel cooperated by recording crawls and nests observed. Volunteers in the Park conducted a series of night patrols in the North District for this purpose. Similar patrols were conducted in 1977 by Environmental Education Specialist, Herman Hoops.

Location and posting against all entry of colonies of beach-nesting seabirds are conducted by rangers of each district, and numbers of nesting birds are counted. Posting of seabird colonies has been conducted here since 1975. Nest counts of colonies in the National Seashore began in 1973, with work by Bob Downing, U. S. Fish and Wildlife Service, and by Paul Buckley, Regional Biologist, Northeast Region, National Park Service. From 1974 through 1977, Parnell and Soots, of U.N.C. Wilmington have located and counted bird colonies throughout coastal North Carolina. Publication of their results is expected in winter, 1978.

A project to conduct a feasibility study of alternate modes of transportation (Service or Concessionaire operated) in the Cape Hatteras Lighthouse complex, Cape Hatteras Point, Cape Point Campground area of the Park has been submitted. This study is scheduled for 1984.

Section 9. Special Protection of the Public Lands

This section of Executive Order 11989 amends Executive Order 11644 by directing that prompt action be taken to forestall or halt any considerable adverse effects to natural, cultural or historic resources by ORV use.

This National Seashore acted prior to this amendment, beginning in 1975 to prevent damage to beach-nesting colonial birds by posting known colonies against all public entry during the nesting season, under 36CFR Section 2.6(a) (1).

In July 1977, it was obvious to common observation that ORV use was causing considerable damage to hillock dunes, emerging salt marsh vegetation and wildlife use on accreted lands southwest of Ramp 2 and extending under the Oregon Inlet Bridge. The Superintendent, therefore, promptly closed about 340 acres in this area by appropriate signing, acting under authority of 36CFR Section 4.19 (b)(2). ORV access by a marked corridor along the unvegetated inlet shore was maintained for use of fishermen.

Annually, on September 10, areas of heavy pedestrian use, closed to ORVs seasonally in summer since 1974 to preserve public safety and minimize use conflicts, are normally totally reopened to off-season ORV use. In September 1978, about 28 miles of National Seashore beach, including portions both inside and outside established seasonal closures, were found at normal high tide to be too narrow for use by ORVs without danger to vehicles or damage to adjacent dunes and private property. This condition arose during a stormy preceding winter followed by a summer deficient in normal beach accretion. Acting under authority of 36 CFR Sec. 4.19(b)(2), the Superintendent, by appropriate signing, temporarily closed to ORVs the narrow beach sections, with public information in area newspapers and information available by mail, at Headquarters, Pea Island National Wildlife Refuge, and at all local National Park Service installations. Each segment temporarily closed for narrow beach will be reopened when conditions at the site warrant reopening.

In addition to the temporary closures for narrow beach, one or two 25-day limited site closures were necessary to protect around hatching time known nests of loggerhead sea turtles, recently listed as "threatened" under the Endangered Species Act of 1973. About 12 other nests were found in National Seashore and Refuge areas already closed.

It is the intent of this management plan to continue to expand research and monitoring efforts to discover such sites as need special protection mandated by Executive Order 11989 and implementing regulations. When considerable adverse effects at such sites are shown by adequate study to be existent or imminent, the Superintendent or the Refuge Manager will effect such temporary or seasonal closures as are necessary to eliminate or forestall such, damage and prevent its recurrence.

1. A permit shall be required for off-road operation in Zone 1 of any vehicle meeting the requirements of Section 4 A 2 above.

a. Permits shall be issued annually for a calendar year (January 1 through December 31) and shall expire at midnight January 31 of the year following issuance.

b. Permits shall be available at any open local National Park Service office or manned visitor use facility; at Refuge Headquarters, Pea Island National Wildlife Refuge; through the U. S. Mail; and pending development of cooperating agreements, may be made available at offices of local governing bodies.

c. The permit shall consist of a park issued numbered sticker, which shall be firmly affixed to the left front bumper of the permitted vehicle and vehicle identification card which shall be carried within the vehicle or upon the person of the vehicle operator.

d. The permit shall be issued free upon receipt of application containing the following information: make, model, color, and vehicle serial number; and the name and address of the owner of the vehicle.

e. In the event of transfer of vehicle ownership, the new owner shall apply to the Superintendent for a new vehicle identification card. Such application shall contain the name and address of the previous owner, the name and address of the new owner and the number of the bumper sticker.

f. There shall be two types of permits: i. Recreation - issued to all applicants not classified as commercial fishermen. ii. Commercial - Issued to those residents of the Villages of Corolla, Duck, Kitty Hawk, Kill Devil Hills, Collington, Nags Head, Manteo, Wanchese, Rodanthe, Waves, Salvo, Avon, Buxton, Frisco, Hatteras and Ocracoke (36 CFR 7.58(c)) who earn part or all of their livelihood by the taking of fish by traditional methods of nets laid from a small boat and hauled onto the beach.* See Section 7, Consultation, Pages 24 - 24a.

A permit as described in Section 4(A3) or in Section 4B1 above is required.

TYPES OF PERMITS

TYPE	TO WHOM	WHERE AVAILABLE
Recreational ORV Permit	State-licensed vehicles w/ wheels-Section 4A2	All NPS contact points, etc. See Section 4B1(b)
Commercial Fisherman Permit	Residents of 8 villages Commercial fishermen See Section 4B1f	Superintendents Office Fort Raleigh
Special Vehicle Permit	Vehicles not licensable for highway use	District Rangers office

Limited Access- Buxton Woods Permit	Recreational or Commercial Permit holders	South District Rangers office, Buxton
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No permit is required to drive a licensed vehicle in Zone 2 (soundside)
on routes posted as open to ORV use.